

**MINUTES OF THE  
FOURTH REGULAR MEETING OF THE  
2001 REAPPORTIONMENT COMMISSION**

**June 21, 2001  
2:00 p.m.**

**Hawaii State Capitol  
Room 329  
Honolulu, Hawaii**

**Commissioners in Attendance:**

Mr. Wayne K. Minami, Chairperson  
Mr. Deron K. Akiona  
Ms. Jill E. Frierson  
Ms. Lori Hoo  
Mr. Lynn C. Kinney  
Mr. Kenneth T.G. Lum  
Mr. Harold S. Masumoto  
Mr. David Rae

**Commissioners Excused from the Meeting:**

Mr. Richard R. Clifton, Vice-Chairperson

**Advisory Council in Attendance:**

Mr. Stephen Goodenow, Oahu  
Mr. Jim Hall, Oahu  
Mr. Wayne Metcalf, Hawaii

**Technical Support Staff in Attendance:**

Mr. Dwayne D. Yoshina, Office of Elections  
Mr. Lawrence Chun, Office of Elections/Reapportionment Staff  
Ms. Cynthia Fukunaga, Office of Elections/Reapportionment Staff  
Mr. Strather Ing, Office of Elections/Reapportionment Staff  
Mr. Scott Nago, Office of Elections  
Ms. Keala Naluai, Office of Elections/Reapportionment Staff  
Mr. David Rosenbrock, Office of Elections/Reapportionment Staff  
Mr. Rex Quidilla, Office of Elections  
Ms. Robynn Yokooji, Office of Elections  
Mr. Brian Aburano, Department of the Attorney General  
Mr. Aaron Schulaner, Department of the Attorney General

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**Consultant Services Contractor:**

Mr. Royce Jones, ESRI

**Observers Present:**

Mr. Larry Meacham, Common Cause Hawaii  
Mr. Kevin Dayton, Honolulu Advertiser  
Mr. Jean Aoki, League of Women Voters  
Mr. Marc Oto, Speaker of the House Office  
Mr. Boyd Akase, Republican House Minority Office  
Mr. Brad Stein, Carter & Burgess  
Mr. Shelton Jim On, Hawaii Republican Party  
Mr. Charles Carole, League of Women Voters  
Mr. Chadd Kadota, Clerk's Office City & County  
Mr. Karl Rhoads, Downtown Neighborhood Board  
Mr. Ross Segawa, Public Observer  
Mr. Micah Kane, Hawaii Republican Party  
Mr. John Peschong, Republican National Committee

**I. Call to Order**

Chairperson, Wayne Minami, called the Fourth Regular Meeting of the 2001 Reapportionment Commission to order at 2:10 p.m. in Conference Room 329 of the Hawaii State Capitol, Honolulu, Hawaii.

**II. Approval of Minutes**

Commissioner Lynn Kinney moved to have the minutes of the Third Regular Meeting of the 2001 Reapportionment Commission approved. Commissioner David Rae seconded the motion. The motion was carried unanimously by the Commissioners in attendance.

**PROCEEDINGS**

**III. Support Services**

**A. GIS Staff Services Status Report**

The Reapportionment Project staff reported that it had briefed various members of the legislature. They included the Republican Caucus, House Democrats, and a group of urban Oahu legislators.

ESRI has been retained to provide the Commission with mapping and related reapportionment services. They have received the notice to proceed, effective

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June 14, 2001. ESRI and its subcontractors have the information necessary to proceed.

### 1. Reapportionment/Redistricting Population Base Data Set

Mr. David Rosenbrock reviewed the non-resident information that he presented at the June 14, 2001 Commission meeting and included population totals for each population base data set.

- Permanent Resident Population Base – Potential Exclusions:
  - Sentenced Felons: According to the Department of Public Safety, End of the Month Population Report dated March 31, 2000; the total population of incarcerated sentenced felons is 1,416 persons.
  - Non-resident students: According to the information and count received from the various institutes of higher education, the total number of non-resident students is 10,679 students.
  - Aliens: Members of the project staff met with representatives of the Immigration Naturalization Services (INS) to discuss the alien population data in Hawaii. The INS Deputy Director, Wayne Wills, offered to provide information of the aliens that are contained in the INS's "CLAIMS" file. The data contains information on aliens that have applied for naturalization and could provide the number of applicants and locate them by ZIP Code. The confidence level of Mr. Wills concerning the "CLAIMS" file was low in the fact that the data may not provide the information that the Reapportionment Commission needs. Mr. Wills was asked to have the information for the staff by June 28, 2001. He was not able to assure that the information will be provided in a timely basis. The INS representatives also indicated that they could not provide a report that would identify or locate the entire alien population.
  - Non-resident Military: According to the data received by the Defense Manpower Data Center WEST and the DEERS system the total number of non-resident military and their dependents are as follows:
    - Total non-resident Military Population: 32,566
    - Total non-resident Military Dependents: 41,430
    - Total non-resident Military and Dependents: 73, 996

The State's technical consultant is working with local command offices to refine its count to more accurately reflect the Active Duty population physically present in Hawaii. With this information the Reapportionment Project staff and their technical consultants can

assign the military population to census blocks. They expect to have the refined data next week.

Mr. Rosenbrock reported to the Commission that, except with respect to the alien population, the Reapportionment Project staff and their consultants feel that they have what appears to be the best available information to extract non-resident populations from the total population in each census block of the State of Hawaii.

Commissioner Deron Akiona asked if the Department of Education could aid in determining the number of military dependents. It was brought to attention that not all military personnel have school-aged dependents. It was added that there is a wide demographic of military dependents.

## **2. Standards and Criteria for Redistricting**

Mr. Brian Aburano, the Commission's legal counsel, outlined the proposed standards and criteria for the use by the 2001 Reapportionment Commission. The proposed standards and criteria are divided between the U.S. Congressional and State Legislative Districts.

### **▪ U.S. Congressional Districts**

Standards that shall be followed:

1. The population base used shall be the total population of the State of Hawaii as determined by the last U.S. Census. *(Statutory requirement and required under federal law)*
2. The population in the two congressional districts shall be as nearly equal as possible. *(Statutory requirement and required under federal law)*
3. The congressional districts shall not be drawn so as to unduly favor a person or political party. *(Statutory requirement but not required under federal law)*
4. The congressional districts shall be "contiguous". *(Statutory requirement)*
5. In drawing the congressional districts, no census blocks shall be split. *(Technical staff requirement)*
6. The congressional districts shall not be drawn so as to: (a) deny or abridge a citizen's right to vote based on race, color or membership in a language minority group; or (b) unlawfully discriminate against votes on the basis of race, color or membership in a language minority group. *(Non-technical summary of what is prohibited under the Voting Rights Act and Equal Protection Clause)*

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7. All proposed plans submitted to the Commission must conform to specified technical requirements. The technical requirements were specified at the meeting. (*Technical staff requirement*)

Standards that are practicable: (*These are listed in the Hawaii Revised Statutes as standards to be followed "if practicable"- there is some flexibility*)

1. The congressional districts should be geographically "compact".
2. The congressional district boundaries should follow permanent and easily recognized features such as streets, streams, and clear geographic features.
3. The congressional district boundaries should coincide with census tract boundaries.
4. The state legislative districts should be wholly included within the congressional districts.
5. Submergence of an area in a larger district wherein substantially different socio-economic interests predominate should be avoided.

Other standards and criteria:

1. Neighborhoods will generally be determined based on existing elementary school district boundaries and/or neighborhood board district boundaries. (*Commission staff suggestion*)

▪ **State Legislative Districts**

Standards that shall be followed:

1. The population base used shall be the "permanent resident" population of the State of Hawaii. (*This standard is set forth in the State Constitution; however, exactly what constitutes the "permanent resident" population is not specified*)
2. The permanent resident population in each of the 25 state senate districts shall be as nearly equal as possible. (*This standard is set forth in the State Constitution – federal case law has set limits on the permissible deviations among the districts*)
3. The permanent resident population in each of the 51 state house of representative districts shall be as nearly equal as possible. (*This standard is set forth in the State Constitution – federal case law has set limits on the permissible deviations among the districts*)
4. No state legislative district shall be drawn so as to unduly favor a person or political party. (*This standard is set forth in the State Constitution*)
5. Each state legislative district shall be "contiguous". (*This standard is set forth in the State Constitution*)

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6. All state legislative districts shall be single-member districts. Alternatively if multi-member districts are used, no more than four (4) members shall be elected from any state legislative district. *(Deciding single-member or multi-member districts is up to the Commissioners, but if multi-member districting is to be used, the foregoing requirement is set forth in the State Constitution)*
7. In drawing the state legislative districts, no census blocks shall be split. *(Technical staff requirement)*
8. The state legislative districts shall not be drawn so as to: (a) deny or abridge a citizen's right to vote based on race, color or membership in a language minority group; or (b) unlawfully discriminate against voters on the basis of race, color or membership in a language minority group. *(Non-technical summary of what is prohibited under the Voting Rights Act and Equal Protection Clause)*
9. All proposed plans submitted to the Commission must conform to specified technical requirements. The technical requirements were specified at the meeting. *(Technical staff requirement)*

Standards that are practicable: *(These are listed in the State Constitution as standards to be followed "if practicable"- there is some flexibility)*

1. The state legislative districts should be geographically "compact".
2. The state legislative district boundaries should follow permanent and easily recognized features such as streets, streams, and clear geographic features.
3. The state legislative district boundaries should coincide with census tract boundaries.
4. The state legislative districts should be wholly included within the congressional districts.
5. The state house of representative districts should be wholly included within the state senate districts.
6. Submergence of an area in a larger district wherein substantially different socio-economic interests predominate should be avoided.

Other standards and criteria:

1. Neighborhoods shall be determined based on existing elementary school district boundaries and/or neighborhood board district boundaries. *(Commission staff suggestion)*

### 3. Discussion

Chairperson Wayne Minami asked Mr. Rosenbrock about the purpose of the specified technical requirements. Mr. Rosenbrock explained that those submitting proposed plans need to follow the specified technical format that

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allows the technical staff to generate plan(s) and map(s) from the proposed plans accurately and in a timely manner.

Chairperson Minami noted that the standards and criteria are subject to the commissioners' review and comment prior to adoption at next week's meeting.

Commissioner David Rae asked Mr. Aburano what are the actual requirements to follow from the Hawaii State Constitution and HRS and what requirements the Commission has the flexibility to adopt. (*\*Mr. Aburano identified the constitutional and statutory criteria as shown above in italics*).

Commissioner Rae also had concerns regarding the technical requirements specified by the staff, but indicated that he understood the desire for consistency in the plans submitted to the Commission. Citizens would be unable to submit plans to the Commission because they could not understand or meet the specified technical requirements. He noted that there are many citizens that do not know about computers and how to format the information. He would like to be able to entertain any and all plans from the citizens.

Chairperson Minami asked whether the technical requirements could be moved to the "practicable" section of the criteria since Commissioner Rae mentioned that some of the public would have a difficult time following the technical requirements. Commissioner Frierson mentioned that in order to start drawing their plans the public would have to have a list of the census blocks and population within such blocks, and they would be already halfway through the requirements listed. Commissioner Frierson noted that requiring an electronic file might be a different subject to discuss, but in order to draw the map you had to have the column structure to begin with.

Commissioner Rae also asked whether there is an existing legal requirement to determine the starting point for redistricting. Mr. Aburano said that there is no law that states where the redistricting should begin.

Commissioner Rae expressed concerns regarding the exclusion of non-resident military dependents. Commissioner Rae mentioned that military dependents utilize State services as well as other services provided in the State of Hawaii, pay GET and/or income taxes, and some of them work in Hawaii. He questioned whether they should be disenfranchised from having representation in Hawaii. Commissioner Rae also expressed concern about excluding sentenced felons. There was some discussion by the Commission and Mr. Aburano on these matters.

Commissioner Harold Masumoto requested that criteria track the language in the constitution. He also requested that the constitutional provision that states that no district shall extend beyond the boundaries of any basic island unit be

reinstated in the Commission's criteria. Mr. Minami indicated that the criteria relating to basic island units could be added to the "if practicable" criteria.

Chairperson Minami reiterated to the Commissioners that the handout was given for the Commissioners to review so they have an idea of the issues that they would be making a decision on at the next meeting.

A member of the public commented that the Commission might consider developing a hierarchy of standards for the senate and house districts.

### **3. Technical and Public Information Committees**

Mr. David Rosenbrock read the requirements of the proposed committees as handed out to the Commission members.

- Technical Committee:

- The technical committee will work with the Reapportionment staff to investigate and develop potential reapportionment and redistricting plans for the Commission to consider.
- All plans will be developed within the standards and criteria adopted by the Commission and subject to further directions by the Commission.
- The technical committee will periodically report on its work to the Commission.
- The technical committee will submit any proposed plan to the Commission for deliberation and decision.
- The technical committee will consist of three (3) members: one (1) Democrat, one (1) Republican and the Chairperson.

Chairperson Minami said that a suggestion was made to have alternates for the technical committee, i.e. one (1) Democrat and one (1) Republican alternate. Chairperson Minami suggested adding the alternates as part of the committee's composition.

- Public Information Committee:

- The public information (PI) committee will advise the Commission project staff on the handling and answering of requests for information and questions from the public.
- The PI committee will set up procedures for reviewing and handling public comments and written testimony.
- The PI committee will investigate and make proposals to the Commission for the development and deployment of a web site for the Commission.
- The PI committee will periodically report its findings and recommendations regarding the proposed tasks to the Commission.



- Any significant matters bearing on the Commission's official business shall be brought before the Commission for its deliberation and decision.
- The PI committee will consist of four (4) members: two (2) Democrats and two (2) Republicans.

Chairperson Minami asked the Commission members to review the criteria of the technical and PI committees and to consider which members may possibly serve on those committees. The committees will be voted on at the next meeting.

Commissioner Rae asked when the Reapportionment Commission web site available in order for the public to develop proposed plans. Mr. Rosenbrock explained that a mock up of the web site will be presented at the next meeting. The site will go online after the Public Information committee instructs staff to make the website available.

#### **4. Staggered Senate Terms Staff Briefing**

The reapportionment staff gave the Commission members and the public a brief understanding of: (a) how the assignment of the staggered senate terms can be determined using the GIS program, and (b) what the requirements are for this task according to the Amendment to Article IV, Sections 7 and 8 of the Hawaii State Constitution that was passed by the Legislature and the voters in 2000.

- The Commission was given handouts of the Amendment to Article IV, Sections 7 and 8, of the Hawaii State Constitution: To Stagger Senate Terms After Reapportionment – approved by the voters in November 2000. They were also given the Senate and House Judiciary committee reports referring to H.B. No.1 (the Act that proposed the Amendment).

The amendment provides:

- In 2002, after the 2001 Reapportionment, there will be a senatorial election in all 25 Senate Districts.
- To keep staggered terms in the Senate, 12 of the 25 Senate districts will be assigned a two-year term. The remaining Senate districts will receive a four-year term.
- The two-year terms are to be assigned so that the resident population of each Senate district shall have no more than two regular Senate elections for a particular Senate seat within the six-year period beginning in the year 2000 (the even-number year prior to the reapportionment year). In other words, the two-year terms are to be

assigned so that the permanent residents in a Senate district do not have senatorial elections in three consecutive general elections – 2000, 2002, and 2004.

The methodology to implement this provision will be as follows:

- Once the 2001 Senate district boundaries are drawn through redistricting, the 12 Senate districts with the lowest number or percentage of permanent residents who had a senatorial election in 2000 will be assigned two-year terms by the Reapportionment Commission. This methodology appears in the legislative history to H.B. No.1 and was described in the information provided to the voters before they approved the Amendment to Article IV, Sections 7 and 8 of the Hawaii State Constitution.
- Before redistricting begins, all 18,000 census blocks of all 25 current Senate districts will be assigned a yes/no value on whether or not that census block, in each current district, held a senatorial election in 2000.
- After redistricting, the Commission staff will add up the total number of permanent residents in each new 2001 district by census block with a “yes” value. The Commission staff will then calculate the percentage of permanent residents in each new 2001 district that reside in a census block that has a “yes” value assigned to it. This calculation will show the percentage of permanent residents in each new 2001 district that were in districts that held a senatorial election in 2000.
- The 12 new 2001 Senate districts with the lowest number or percentage of permanent residents that were in a districts that held a senatorial election in 2000, will be assigned two-year terms.

Commissioner Rae asked why the Commission is involved in the assigning of staggered terms. Mr. Aburano explained that the criteria of staggered terms is in the constitution and that the Legislature decided to turn over to the project, with the vote of the public, to the Reapportionment Commission since it had to deal with reapportionment.

## **5. Revision of the Reapportionment Commission Calendar**

The schedule for the Month of August has been changed as follows:

- The proposed plan to be complete (Congress, Senate, House, and Staggered terms) has moved up from August 9, 2001 to August 2, 2001.

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- The proposed plan to be published for public review have been moved up from August 31, 2001 to August 13, 2001 to satisfy the statute of 21 days allowed for the public to review the plan before the first public hearing.

The meetings scheduled on July 5 and 12 will be cancelled if the Commission makes its decisions at the June 28 meeting. If the Commission decides to approve the committees, then the committees will meet and, therefore, the Commission does not have to meet as often as it is scheduled.

**B. Administrative Staff Services Status Report**

The Administrative staff had no to report.

**IV. Correspondence and Announcements**

- A. Mr. Dwayne Yoshina reported to the Commission that he received a letter from the U.S. House of Representatives in January, stating that the number of congressional representatives for the State of Hawaii is two (2). A copy will be given to the Commission at the next meeting.
- B. In response to a question posed at a previous meeting, Mr. Yoshina explained that the Commission is not covered under the pre-clearance requirements of the Voting Rights Act.
- C. The Commission staff received correspondence from Marge Schaefer, a member of the Maui Advisory Council. She proposed that testimony by the Advisory Council members not be subject to the rule for public testimony.

Commissioner Masumoto mentioned that the Advisory Councils are part of the Commission and should have time set aside for them on future agendas.

Chairperson Minami instructed the staff to respond to Ms. Schaefer's letter in the affirmative.

**V. Executive Session**

Commissioner Lori Hoo moved for the Commission to go into executive session to consult with the Commission's legal counsel on questions and issues pertaining to the Commission's powers and duties with respect to setting standards and criteria for redistricting. Commissioner Frierson seconded the motion.

The Commission went into executive session by a unanimous vote of the Commissioners present at 3:21 p.m. The public meeting reconvened at 4:20 p.m.

**VI. Other Business**

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- Chairperson Minami noted that decision-making on the following issues will take place on June 28, 2001:
  - Population Base - non-resident exclusions
  - Single-member v. multi-member districts
  - Standards and Criteria
  - Formation of Committees

A member of the public asked if the public would be able to voice public testimony or suggestions on the issues that will be voted on at the next meeting.

Chairperson Minami mentioned that the agenda that will be posted will identify the issues that will be decided on. The public as well as the Advisory Council will be able to voice their comments at the beginning of the meeting.

Another member of the public mentioned that the redistricting proposals that the technical staff produces would not be valid until the Commission decides. He asked if there would be any way that the proposals would be available for review. Chairperson Minami responded that the Commission has not discussed it yet, but will take it into consideration. He clarified that the technical committee has not yet been formed.

**VII. Adjournment**

The next scheduled meeting is Thursday, June 28, 2001, 2:00 p.m. at the Hawaii State Capitol, Room 329.

With no other business to discuss, the Fourth Regular Meeting of the 2001 Reapportionment Commission was adjourned at 4:21 p.m.

Respectfully submitted,

Dwayne D. Yoshina  
Chief Election Officer  
Secretary of the  
2001 Reapportionment Commission